

### **REMARKS**

Claims 1-23 were pending and were rejected. Claims 1-23 remain active in the application. Reconsideration and allowance of the present application is respectfully requested in light of the following remarks and the attached inventor declarations.

#### **Response to Rejections**

Original claims 1, 3, 6-10, 12, 14, 17-21, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Soman in view of Kovacic. Claims 2, 4-5, 13, and 15-16 were similarly rejected, with Soman and Kovacic taken further in view of Hsieh. Claims 11 and 22 were similarly rejected, with Soman and Kovacic taken further in view of Gomi. Applicants respectfully traverse these rejections.

Soman is a published U.S. Patent Application with a publication date after Applicants' filing date, and a filing date of March 31, 2003, prior to Applicant's February 24, 2004 filing date. Soman is therefore presented as prior art under the provisions of 35 U.S.C. § 102(e).

Soman was presented in the rejections to illustrate some, but not all, of the features claimed by Applicant, including forming a blanket seed layer at a first temperature and forming a doped SiGe layer over the seed layer at a second lower temperature. To Applicant's reading, the remaining references fail to show these features.

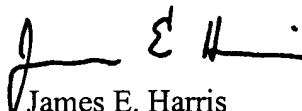
Applicants reduced the process at least presented in the broadest pending claims to practice prior to March 31, 2003, as explained in the attached inventor declarations and shown in Exhibit A to those declarations. The reduction to practice occurred in Taiwan, which has been a member of the World Trade Organization since January 1, 2002. Applicants respectfully submit that this showing effectively removes the Soman reference from consideration as 102(e) prior art, under the provisions of 37 C.F.R. § 1.131.

Applicants submit that absent the Soman reference, the remaining references fail to teach or suggest all elements of any rejected claim, and therefore cannot establish a *prima facie* case of obviousness for any rejected claim. Applicants respectfully request that the instant rejections be withdrawn and that the application be allowed to proceed to issuance.

### Conclusion

For the foregoing reasons, Applicants respectfully request allowance of claims 1-23 as presently constituted. The Examiner is encouraged to telephone the undersigned at 512.867.8502 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



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